

R E M A R K S

In order to more clearly patentably distinguish the present invention from the cited prior art, claim 1 has been cancelled and claims 2 and 3 have been amended.

Claim 2 has been amended to include all the subject matter of cancelled claim 1 and also now states that the open front end of the U-shaped horizontal base of the holder faces forwardly.

Claim 3 now specifies that the battery compartment is supported by the horizontal base and is engagement with the upright portions of the holder.

Thus, claim 2 as now amended is directed to a holder and electric drill assembly, the holder comprising a length of rigid wire shaped to have a generally U-shaped horizontal base 10 with laterally spaced side portions 12, 14 connected by a bight 16 at the rear, the base 10 having an open front end 18. Claim 2 also specifies that the side portions 12, 14 have ends remote from the bight portion 16 extending into respective substantially vertical laterally spaced upright portions 20, 22, with at least one of the upright portions 20, 22 extending at its upper end into a reverse bend, 24, 26 and a downwardly extending clip portion 28, 30 adjacent to the respective upright portion 20, 22.

Claim 2 further specifies that the drill has a main body 34 containing an electric motor and a bit receiving chuck 36, a handle 38 extending from a rear portion of the main body 34 and a battery compartment 40 at an end of the handle for a battery for supplying electric power to the drill motor and chuck 36.

Claim 2 further specifies that the holder is mounted on a belt or waistband worn by a user by means of the clip portion 28 or 30, with the open front end 18 of the U-shaped horizontal base 10 of the holder facing forwardly, with the drill being mounted in the holder with the battery compartment 40 supported by the horizontal base 10 and engaging the upright portions 20, 22 of the holder, and with the handle 38 extending downwardly through the horizontal base 10.

It is respectfully submitted that there is no disclosure or suggestion in the prior art of a holder and electric drill assembly as defined in claim 2 as now amended.

It will be noted that the open end of the base of Viio's device faces laterally inwardly towards the user's leg when in use, see Fig. 2 of Viio, not forwardly as in applicant's invention. It is not clear how Viio's device could be used to hold a drill of the kind specified in claim 2 of the present application as now amended.

Likewise, there is no disclosure or suggestion of applicant's invention in Estabaya who teaches a holster with an upwardly facing U-shaped hook portion 20. For the reasons stated above with respect to Viio, there is no disclosure or suggestion in Estabaya of applicant's holder and drill assembly as defined in amended claim 2.

Applicant's holder and electric drill assembly provides an arrangement in which the drill is securely held in the holder with the battery compartment 40 of the drill supported by the horizontal base 10 and engaging the upright portions 20, 22 of the holder, with the handle 38 extending downwardly through the horizontal base 10. Applicant's arrangement provides a much more convenient arrangement than the arrangements taught by Viio and Estabaya. It is therefore respectfully submitted that claim 2 as amended is clearly patentably distinguished from the teachings of Viio and/or Estabaya.

Claim 3 is directed to a method of mounting the drill in the holder to provide the assembly claimed in claim 2, the method including causing the handle 38 of the drill to engage the bight portion 16 of the base 10 of the holder with the battery compartment 40 of the drill body rearwardly thereof and allowing the weight of the main drill body 34 to swing the drill about the bight portion 16 of the holder until the battery compartment 40 of the drill is supported by the horizontal base 10 and is an engagement with the upright portions 20, 22 of the holder.

From the above discussions of Viio and Estabaya, it is clear that this prior art does not disclose or suggest a method of mounting the drill in the holder as claimed in claim 3. The device of Viio and the holster of Estabaya clearly cannot be used to hold a drill of the kind specified in the manner claimed in claim 3. It will be readily apparent to a person skilled in the art that applicant's invention is easier to use and is a much more convenient arrangement than any disclosed in or suggested by Viio and/or Estabaya.

The other prior art cited as of interest has been reviewed but is clearly not sufficiently pertinent to warrant to detailed comment.

Favorable reconsideration and allowance of this application are therefore requested.

Respectfully submitted,


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